

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv00004
[Criminal Case No. 1:96cr21-1]**

RAYMOND JEROME FRANCIS,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
MARK T. CALLOWAY, DEBORAH)	
A. AUSBURN, WILLIAM M. BOYUM,)	
and BRIAN L. WHISLER,)	
)	
Respondents.)	
_____)	

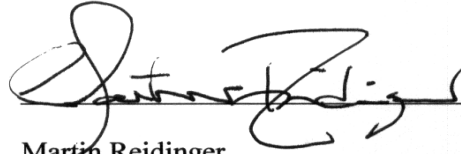
THIS MATTER is before the Court on the Petitioner's motion for leave to proceed *in forma pauperis* on appeal [Doc. 9], filed July 5, 2011.

The record in this matter indicates that the Petitioner was determined to be indigent and thereby was appointed counsel to represent him during the pendency of his underlying criminal proceedings. Based on this determination of indigency, which has not been revoked, the Petitioner is entitled to proceed in the present matter without prepayment of fees on this appeal. As such, the Defendant's request to proceed *in forma pauperis* is denied as moot.

IT IS, THEREFORE, ORDERED that Petitioner's motion for leave to proceed *in forma pauperis* on appeal [Doc. 9] is **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed: July 12, 2011


Martin Reidinger
United States District Judge

